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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/644,444	08/20/2003	Richard C. Darr	03-205	7031
75	7590 08/13/2004		EXAMINER	
ROBERT H. BACHMAN 59 Richard Sweet Drive			DOUGLAS, STEVEN O	
Woodbridge, CT 06525			ART UNIT	PAPER NUMBER
, , , ,			3751	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercises of time may be available under the provision of 3° CFR 1.136(a). In no event, however, may a reply be timely filed Exercised from may be available under the provision of 3° CFR 1.136(a). In no event, however, may a reply be timely filed If the period for reply specified above is less bits hithy (30) days, a reply whitin the statutory minimum of thirty (30) days will be considered timely. If No period for reply specified above is less bits that (30) days, a reply whitin the period for reply white his est or extended period for reply will, by a faultine, cause the application to become ABANDONED (35 U.S.C. § 130). Provided the set of the set of extended period for reply will, by a faultine, cause the application to become ABANDONED (35 U.S.C. § 130). Responsive to communication(s) filed on 20 August 2003. 2a This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. Claim(s) is/are objected to. Claim(s) is/are objected to. Claim(s) is/are objected to by the Examiner. 10) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.86(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under		Application No.	Applicant(s)	
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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,9-14,17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Segati (US Pat 5,060,827).

The Segati reference discloses a blow molded cup and container apparatus comprising a measuring cup 18 with a closed base 62, open mouth (unlabeled), an upper wall 70 with a threaded, and a side wall portion (68,64) forming integral shoulder therewith (see Fig. 3), a a container 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7,8,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segati in view of Sprick (US Pat 5,794,803).

The Segati reference discloses a container and cup arrangement (supra), but does not disclose longitudinal striations on the cup. The Sprick reference discloses another container and cup arrangement having a cup 48 with longitudinal striations (unlabeled) for the implied reason

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of facilitating grasping and turning of the cup. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Segati cup to have longitudinal striations for the implied reason of facilitating grasping and turning of the cup.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Fuchs et al, Darr and Wolf references pertain to other container and cap combinations with associated fastening means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is 703-308-0891. The examiner can normally be reached on Mon-Thurs 6:00-6:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-fyee).

Steven O. Douglas Primary Examiner Art Unit 3751

SD 8-12-04